
By: **Delegates Burns, Fulton, Jones, Kirk, Marriott, Minnick,
Nathan-Pulliam, and Trueschler**

Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Speed Monitoring Systems - Liberty Road, Route 26**

3 FOR the purpose of requiring the State Highway Administration to place speed
4 monitoring systems on that portion of Liberty Road, Route 26, that is within the
5 boundaries of Baltimore County; requiring signs that provide a certain notice to
6 be posted on Liberty Road, Route 26, at certain locations; providing that an
7 owner or driver of a motor vehicle that is recorded by a speed monitoring system
8 committing a certain violation is subject to a civil penalty; providing that a
9 driver of a vehicle may be sent a citation under certain circumstances;
10 establishing certain defenses that the District Court may consider for a violation
11 recorded by a speed monitoring system; providing that the evidentiary burdens
12 for proving a certain defense are the same as those for certain provisions
13 relating to traffic control signal monitoring systems; providing a certain civil
14 penalty; providing that for certain purposes State laws applicable to traffic
15 control signal monitoring systems shall be applicable to speed monitoring
16 systems; providing that a certain violation is not a moving violation for certain
17 purposes; providing that a certain violation may be treated as a parking
18 violation for certain purposes; providing that a certain violation may not be
19 considered in the provision of motor vehicle insurance coverage; providing that
20 certain provisions only apply to the portion of Liberty Road, Route 26, that is
21 within Baltimore County; defining certain terms; and generally relating to
22 speed monitoring systems on Liberty Road, Route 26, in Baltimore County.

23 BY adding to

24 Article - Transportation
25 Section 21-809
26 Annotated Code of Maryland
27 (2002 Replacement Volume)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Transportation**

2 21-809.

3 (A) THIS SECTION APPLIES ONLY TO THE PORTION OF LIBERTY ROAD, ROUTE
4 26, THAT IS WITHIN THE BOUNDARIES OF BALTIMORE COUNTY.5 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.7 (2) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
8 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
9 MORE.10 (II) "OWNER" DOES NOT INCLUDE A MOTOR VEHICLE RENTAL OR
11 LEASING COMPANY OR A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED
12 UNDER PART III OF TITLE 13, SUBTITLE 9 OF THIS ARTICLE.13 (3) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A SPEED
14 MONITORING SYSTEM:

15 (I) ON:

- 16 1. TWO OR MORE PHOTOGRAPHS;
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- 17 2. TWO OR MORE MICROPHOTOGRAPHS;
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- 18 3. TWO OR MORE ELECTRONIC IMAGES;
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- 19 4. VIDEOTAPE; OR
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- 20 5. ANY OTHER MEDIUM; AND

21 (II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT LEAST
22 ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE
23 NUMBER OF THE MOTOR VEHICLE.24 (4) "SPEED MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE
25 MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR VEHICLES
26 TRAVELING AT SPEEDS IN EXCESS OF POSTED SPEED LIMITS.27 (C) THE STATE HIGHWAY ADMINISTRATION SHALL PLACE, IN ACCORDANCE
28 WITH SUBSECTION (D) OF THIS SECTION, SPEED MONITORING SYSTEMS ON THE
29 PORTION OF LIBERTY ROAD, ROUTE 26, WITHIN THE BOUNDARIES OF BALTIMORE
30 COUNTY.31 (D) (1) SIGNS SHALL BE POSTED ON LIBERTY ROAD, ROUTE 26, THAT
32 INCLUDE THE NOTICE "SPEED MONITORING CAMERAS IN OPERATION".

33 (2) THE SIGNS SHALL BE POSTED:

1 (I) AT THE POINTS WHERE LIBERTY ROAD, ROUTE 26, CROSSES
2 FROM NEIGHBORING JURISDICTIONS INTO BALTIMORE COUNTY; AND

3 (II) AT REGULAR INTERVALS OF AT LEAST ONE SIGN PER MILE OF
4 ROAD ALONG LIBERTY ROAD, ROUTE 26, WITHIN THE BOUNDARIES OF BALTIMORE
5 COUNTY.

6 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
7 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
8 OR, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE DRIVER OF A
9 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS
10 RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED IN
11 VIOLATION OF THIS SUBTITLE.

12 (2) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN
13 THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION
14 OR IT RECEIVES EVIDENCE IDENTIFYING THE PERSON DRIVING THE VEHICLE AT
15 THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE
16 AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO
17 WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

18 (II) UPON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
19 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY MAY
20 ISSUE A CITATION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING
21 THE VEHICLE AT THE TIME OF THE VIOLATION.

22 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE
24 EVIDENCE FROM THE DISTRICT COURT.

25 (F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

26 (I) THAT THE MOTOR VEHICLE OR REGISTRATION PLATES WERE
27 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL
28 OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

29 (II) THAT THE PERSON NAMED IN THE CITATION WAS NOT
30 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; OR

31 (III) ANY OTHER DEFENSE THAT THE DISTRICT COURT CONSIDERS
32 RELEVANT.

33 (2) THE EVIDENTIARY BURDENS FOR PROVING THE DEFENSE LISTED IN
34 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE THE SAME AS THOSE FOR A DEFENSE
35 UNDER § 21-202.1 OF THIS TITLE.

36 (3) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$100.

37 (G) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF
38 STATE LAW APPLICABLE TO THE FOLLOWING MATTERS CONCERNING TRAFFIC

1 CONTROL SIGNAL MONITORING SYSTEMS DESCRIBED UNDER § 21-202.1 OF THIS
2 TITLE SHALL APPLY IN THE SAME MANNER TO THESE MATTERS WITH RESPECT TO
3 SPEED MONITORING SYSTEMS UNDER THIS SECTION:

4 (1) ADMISSIBILITY OF RECORDED IMAGES;

5 (2) THE IMPACT OF A CITATION ON INSURANCE;

6 (3) COURT COSTS;

7 (4) DEFENSES;

8 (5) EVIDENCE;

9 (6) THE FAILURE TO PAY A PENALTY OR CONTEST A VIOLATION;

10 (7) THE FORM, ISSUANCE, AND ADJUDICATION OF CITATIONS;

11 (8) THE INSPECTION OF RECORDED IMAGES UNDER § 10-616 OF THE
12 STATE GOVERNMENT ARTICLE; AND

13 (9) THE REGISTRATION AND TRANSFER OF A VEHICLE TO WHICH A
14 CITATION HAS BEEN ISSUED.

15 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
16 SECTION:

17 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING
18 POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE
19 ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE
20 VEHICLE;

21 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
22 26-305 OF THIS ARTICLE; AND

23 (3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE
24 INSURANCE COVERAGE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2003.